

United States District Court, Northern District of Illinois

(11)

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 268	DATE	11/9/2001
CASE TITLE	G.M. Harston Construction Co. et al vs. The City of Chicago et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. We grant the motion for a protective order and deny the motion for a rule to show cause. The documents shall be filed under seal. Status hearing set for November 14, 2001 at 9:45am. to stand.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.	<div style="text-align: center;"> <p>DOCKETING</p> <p>01 NOV 13 PM 4:12</p> </div>	number of notices	<div style="text-align: center;"> <p>NOV 14 2001</p> <p>date docketed</p> <p>cm</p> <p>docketing deputy initials</p> <p>date mailed notice</p> <p>mailing deputy initials</p> </div>	Document Number
<input type="checkbox"/> No notices required.				41
<input type="checkbox"/> Notices mailed by judge's staff.				
<input type="checkbox"/> Notified counsel by telephone.				
<input checked="" type="checkbox"/> Docketing to mail notices.				
<input type="checkbox"/> Mail AO 450 form.				
<input type="checkbox"/> Copy to judge/magistrate judge.				
WAH	courtroom deputy's initials			
Date/time received in central Clerk's Office				

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

NOV 14 2001

G.M. HARSTON CONSTRUCTION)
CO., INC., and GLENN M. HARSTON,)

Plaintiffs,)

vs.)

No. 01 C 268

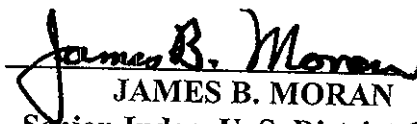
THE CITY OF CHICAGO, an Illinois)
municipal corporation, DAVID E.)
MALONE, and HARSTON/)
SCHWENDENER A JOINT VENTURE,)

Defendants.)

MEMORANDUM OPINION AND ORDER

A protracted discovery dispute has been reduced to a dispute over 23 pages of documents. Actually, it involves less than that, as it involves seven identical or virtually identical copies of two pages, and two identical electronic messages. Defendant submitted those and related documents to the court for an *in camera* examination. It asks for a protective order. Plaintiffs had earlier countered with a motion for a rule to show cause which has largely been overtaken by events. We grant the motion for a protective order and deny the motion for a rule to show cause. The documents shall be filed under seal.

The 23 documents are, indeed, protected as attorney work product. Plaintiffs want to know defendant's negotiation position, and they will learn that when defendant makes an offer. But when? We believe that plaintiffs' real concern – and it is a legitimate concern – is that time is passing during which, the parties apparently agree, defendant owes the plaintiffs a considerable amount of money. The litigation strategy was set last spring. It is time to implement that strategy by a specific offer and an explanation of why the offer is what it is.


JAMES B. MORAN
Senior Judge, U. S. District Court

Nov. 9, 2001.